IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.7122 of 2005

Padmaben Bharatsinh Parmar & ors. Petitioners
Vs.
Rajendrasinh Bharatsinh Parmar & ors. Respondents

Mr.K.S.Patil h/f. Mr.P.N.Joshi for petitioners.
Mr.R.C.Shah for resp.no.1.
Ms.V.Mhaispurkar, AGP for Resp.Nos.2 and 3.

CORAM: B.H.MARLAPALLE,J.

August 07, 2006.

P.C.

. The impugned order passed by the Administrator is in two parts. In the first part the Administrator felt that the case deserves to be remanded to the Mamlatdar for giving opportunity to the concerned parties to decide the share of partnership in an amicable way and in the second part he states that if it is not possible to settle the issue amicably, then the parties may be apprised to seek the remedy in the Civil Court.

. The contention that the first part directs the Mamlatdar to decide the share cannot be accepted as the parties have been directed to approach the Mamlatdar to decide their share amicably. The parties being members of the same family and inter se

brothers and sisters, the Administrator felt that if there is any change of mind to amicably settle the issue, the members of the family may appear before the Mamlatdar and place before him such a compromise. In case such a possibility would be ruled out, obviously they will have to go to the Civil Court and get the respective rights decided and more particularly the demand of respondent no.1 for 20 gunthas land more to his share.

. With the above clarifications clearing the doubts of the parties, no interference is called for in the impugned order passed by the Administrator and hence the petition is rejected. All contentions are left open if the parties go to the Civil Court.

(B.H.MARLAPALLE,J.)